

SPECIAL CIVIL APPLICATION No 5812 of 1999

Hon'ble MR.JUSTICE H.K.RATHOD

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of an

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. IM Pandya learned AGP appearing for the respondent No. 1.Mr. HC Patel, learned Addl. GP for M/s. Patel Advocates, M/s. Trivedi & Gupta for respondent No. 2.Mr. L.R. Pujari, learned AGP appearing for respondent No.4 has waived service of rule on behalf of respondent No.4. In the facts and circumstances of the case, the matter is taken up for final hearing today itself.

Heard the learned advocates for the parties.

In this petition, the order passed by the Additional Chief Secretary (Appeals) dated 19th November, 1998 has been challenged by the petitioner. While reading the said order, it appears that the petitioner has made a mention before the said authority that they are prepared to accept another piece of land at village Kukdasar, Taluka Mundra ad measuring 283 acre if the said land is allotted to the petitioner. In respect of this submission before the authority, the authority has observed that for that demand of the petitioner, the petitioner has to approach the Collector with necessary details and documents.

Learned advocate for the petitioner Ms. Sonal D. Vyas has submitted that the petitioners have no objection in approaching the Collector in respect of the said land at village Kukdasar which is ad measuring about 283 acres. She has submitted that the petitioners are prepared to approach the Collector and the Collector may be directed to decide such application in accordance with law within some stipulated period on the basis of the Government Resolution dated 31st December, 1981.

Learned AGP Mr.Pandya appearing for the respondent authorities has submitted that if the petitioner will approach the respondent Collector for the said land, such prayer of the petitioner will be considered in accordance with law and also on the basis of the Government Resolution dated 31st December, 1981.

I have heard the learned advocates for the parties.

In the facts and circumstances of the case, the petitioner is directed to approach the Collector, Kachchh in respect of the land ad measuring 283 acres at village Kukdasar by making appropriate representation in that regard. The respondent Collector, Kachchh is directed to consider such representation that may be made by the petitioner in respect of the said land ad measuring 283

acres situated at village Kukdasar in accordance with law and also on the basis of the Government Resolution dated 31st December, 1981 as expeditiously as possible preferably within two months from the date of such representation that may be made by the petitioner and to communicate his decision to the petitioner. Subject to these observations and directions, this petition shall stand disposed of with no order as to costs. Rule is discharged.

9.10.2000. (H.K. Rathod, J.)

Vyas